

National Association of Tax Professionals

Divorce

**Presented by
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June 28, 2005



DIVORCE DECREE

- Legally Binding
- Does Not Overrule IRS

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DIVORCE DECREE

Common Law Marriages

- Alabama, Colorado, District of Columbia, Iowa, Kansas, Montana, Oklahoma, Rhode Island, South Carolina, Texas, Utah,
- Georgia (Before 1/97),
- Idaho (Before 1/97),
- Ohio (Before 10/91),
- Pennsylvania (Before 9/03), and
- New Hampshire (Inheritance Only).

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DIVORCE DECREE

- No Such Item as Common Law Divorce
- Divorce Must Occur by Court Order

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DEPENDENCY

- Custodial Parent
- New Rules for Dependency

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DEPENDENCY

- Non-Custodial Parent
- Form 8332

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FILING STATUS

- Marital Status as of 12/31
- Considered Unmarried

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ALIMONY

- Written Decree
- Cannot Be Members of Same Household
- Payments Must Be in Cash
- Payments Be Made to or on Behalf of Former Spouse

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ALIMONY

- Decree Cannot State That Payments Are Not Alimony
- Spouses Cannot File Jointly
- Payments Must Cease at Death
- Cannot Be Called Child Support

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PERSONAL RESIDENCE

- Title
- Quit Claim Deed
- Sale

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RETIREMENT PLANS

- **Qualified Domestic Relations Order**
- **IRA's**

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PROPERTY SETTLEMENT

- Tax Consequences
- Basis

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COMMUNITY PROPERTY

ARIZONA	CALIFORNIA	IDAHO
LOUISIANA	NEVADA	NEW MEXICO
TEXAS	WASHINGTON	WISCONSIN

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COMMUNITY PROPERTY

- Filing Return in Year of Divorce
- Relief From Tax Liability for Innocent Spouse

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